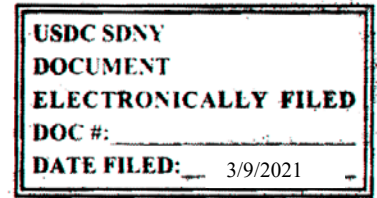


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
BARBARA PELLICANO,

Plaintiff,

18-CV-04862 (SN)

-against-

**ORDER**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.  
-----X

**SARAH NETBURN, United States Magistrate Judge:**

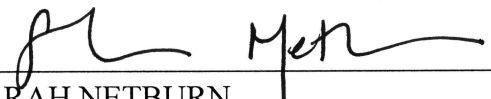
On June 2, 2018, the plaintiff filed this action pursuant to 42 U.S.C. § 405(g), seeking review of a denial of social security benefits. On June 29, 2018, the parties consented to my jurisdiction. On August 2, 2019, the Court approved a stipulation and order between the parties remanding the matter for further proceedings before the Commissioner. ECF No. 35. On August 9, 2019, the Court approved a separate stipulation and order awarding the plaintiff \$6,550.00 in attorney's fees under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412.

Following the remand, the plaintiff received retroactive benefits from the Social Security Administration. Thereafter, on February 19, 2021, plaintiff's counsel filed a motion for an award of attorney's fees pursuant to 42 U.S.C. § 406(b). Section 406(b) permits the Court to approve "a reasonable fee . . . not in excess of 25 percent of the . . . past-due benefits" awarded to the plaintiff. Gisbrecht v. Barnhart, 535 U.S. 789, 795 (2002) (quoting 42 U.S.C. §406(b)(1)(A)). Because of the Commissioner's unique role and expertise in this area, the Court ordered the Commissioner to respond to the plaintiff's motion. ECF No. 42. And on March 5, 2021, the

Commissioner filed a letter indicating that he did not object to plaintiff's counsel's motion for § 406(b) fees.

Having reviewed the February 19, 2021 motion, along with all supporting documents, the Court determines that the requested award is reasonable and recommends that attorney's fees be granted in the amount of \$13,116.90, which represents 25% of the past due benefits awarded to the plaintiff. Upon receipt of this sum, counsel for the plaintiff is directed to refund directly to the plaintiff the previously awarded EAJA fees of \$6,550.00.

**SO ORDERED.**

  
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SARAH NETBURN  
United States Magistrate Judge

DATED: New York, New York  
March 9, 2021